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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,531	11/21/2001	Dennis L. Montgomery	042503/0273332 (ETV-012-U)	3106
909 7590 08/01/2007 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER LEIVA, FRANK M	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 08/01/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/991,531

Applicant(s)

MONTGOMERY, DENNIS L.

Examiner

Frank M. Leiva

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Soltys et al (US 6,460,848), thereafter known as Soltys.**

3. **Regarding claims 1, 2, 4, 7, 10, 15-17, 21-26, and 28,** Soltys teaches monitoring a game of chance, the acquiring of repetitive images, comparing each image to the previous one and detecting change (parsing), producing and output of detection from viewing these images, the use of cards and dealing of cards in his invention, scanning for objects such as chips, where the absence of cards is detected by comparing each image to the previous one, and continually checking for the presence of objects to stay in there place, the use of a mask, represented by the wagering circles where the bets must be placed, or the cards. (Col 13:15-32).

4. **Regarding claim 1;** Soltys discloses automatically parsing the stream of digital image data to count the plurality of repetitive actions, the count obtained providing an indicator usable to monitor the game of chance, (Abstract, Fig. 30, Col. 2:39-44), adding that it is inherent to monitoring a game of chance to accumulate statistics on the player, dealer, and wins and losses of the table, as is the counting of all occurrences of the nature of the game.

5. **Regarding claim 3;** Soltys teaches the use of a camera without zoom. (Col 7:54-Col 8:7).

6. **Regarding claims 5, 6, 8, 9, and 27;** Soltys teaches using a specific area of the table, the action of playing, the tracking of dealing. (Col 13:39-50).

7. **Regarding claims 11-14;** Soltys teaches the tracking of a game of roulette, the placing of the marble and the chips on the table. (Col 24:26-36).
8. **Regarding claim 18;** Soltys teaches the other embodiments to include Blackjack and other card games. (Col 24:22-36).
9. **Regarding claim 19;** Soltys teaches the tracking of sequential acts base on the game rules. (Col 23:19-37).
10. **Regarding claim 20;** Soltys teaches the use of reading special markers on the card to avoid cheating. (Col 6:66- Col 7:23).
11. **Regarding claims 29 and 30;** Soltys teaches the analysis of the Chip Tray, in all its forms. (Col 16:50- Col 18:3).
12. **Regarding claim 31;** Soltys teaches the reporting of errors made by the dealer, which could mean triggering an event alarm. (Col 10:66- Col 11:12).
13. **Regarding claims 32 & 33;** Soltys discloses, wherein a count of repetitive actions is generated when at least one predetermined images occur, and wherein a count of repetitive actions is generated when a series of predetermined images occur (Col. 2:32-44 & Col. 11:8-11), such predetermined images as dealing cards or splitting hands.
14. **Regarding claim 34;** Soltys discloses, wherein a count of repetitive actions is generated when a certain pattern exists for greater that a predetermined period of time, (Col. 2:53-64), wherein the system will track wagering patterns and automatically allocate complimentary benefits to the player, (this tracking to be dependant on time spent and amount of play).
15. **Regarding claim 35;** Soltys discloses, wherein images are the only source for counting repetitive actions, (Col. 2:39-45).
16. **Regarding claim 36;** Soltys discloses, wherein the count of repetitive actions is performed by computer software, (Col. 11:3-11).

***Response to Arguments***

17. Applicant's arguments filed 7 June 2007 have been fully considered but they are not persuasive. For the following reason.

18. Regarding the argument directed to claim 1 rejection, "Soltys does not anywhere teach or suggest counting repetitive actions", the counting of repetitive actions is inherent to monitoring a game as described in the present application and in Soltys' abstract, also review Fig. 30 item 972 where part of the statistical data collected is reported in "hands per hour" indicator. It is the examiner's position that the applicant's argument is not persuasive and that the rejection based on Soltys' method of monitoring a casino game discloses all the steps as claimed. This rejection thus is deemed proper.

***Conclusion***

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Leiva whose telephone number is (571) 272-2460. The examiner can normally be reached on M-Th 8:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML

07/26/2007

A handwritten signature in black ink, appearing to read 'Robert E. Pezzuto', with a stylized flourish extending to the right.

Robert E. Pezzuto

Supervisory Patent Examiner

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